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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,032	08/04/2003	Robert Meurer	62-308-mow	4710

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2000 M STREET NW SUITE 700
WASHINGTON, DC 20036-3307

EXAMINER

TORRES, ALICIA M

ART UNIT PAPER NUMBER

3671

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/633,032

Applicant(s)

MEURER, ROBERT *af*

Examiner

Alicia M Torres

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Specification

1. The disclosure is objected to because of the following informalities: page 1, in the last line, it appears “It unacceptable” should be changed to –It is unacceptable—.

Appropriate correction is required.

Drawings

2. The drawings are objected to because Figures 2 and 3 have been omitted from the application. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claim 1 is objected to because of the following informalities: “end of skid” in lines 1 and 2 should be changed to –end of a skid steer—. Appropriate correction is required.

DETAILED ACTION

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 7, 8 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Laurel.

6. In regards to claims 1 and 7, Laurel discloses a mower accessory (see column 3, lines 23-25 and column 7, lines 61-65) constructed and arranged to be coupled to a front end of skid steer loader (10), the skid steer loader (10) having a body (11) and front (14) and rear (12) wheels, at least the rear wheels (12) being constructed and arranged to cause driving movement of the skid steer loader (10), the skid steer loader (10) having a lift structure (19, 20) constructed and arranged to move accessories when coupled thereto, the mower accessory comprising:

a caster structure (110) constructed and arranged to be removably coupled to the lift structure (19, 20) at the front end of the skid steer loader (10), the caster structure (110) having at least one caster mounted for rolling and swiveling motion, and

a mower deck (see column 3, lines 23-25 and column 7, lines 61-65) coupled to the caster structure (110) and having at least one mower blade,

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wherein when the mower accessory is coupled to the skid steer loader (10) and the lift structure (19, 20) is moved generally downwardly with respect to the body (11), the caster (110) is constructed and arranged to engage the ground causing the front wheels (14) of the skid steer loader (10) to raise so as not to engage the ground, as per claim 1; and

wherein the mower deck (see column 3, lines 23-25 and column 7, lines 61-65)) carries a hydraulic motor (80) constructed and arranged to cause rotation of the mower blade (not shown), as per claim 7.

7. In regards to claims 8 and 14, Laurel discloses a skid steer loader assembly (10) comprising:

- a body (11),
- a pair of front wheels (14) mounted with respect to a front portion of the body (11),
- a pair of rear wheels (12) mounted with respect to a rear portion of the body (11),
- a primary hydraulic system (80) for driving at least the rear wheels (12),
- a lift structure (19, 20) constructed and arranged to move accessories when coupled thereto,

- a secondary hydraulic system (27, 28) for moving the lift structure (19, 20), and
- a mower accessory (see column 3, lines 23-25 and column 7, lines 61-65) comprising:

- a caster structure (110) removably coupled to the lift structure (19, 20) at the front end of the skid steer loader (10), the caster structure (110) having at least one caster mounted for rolling and swiveling motion, and

- a mower deck (see column 3, lines 23-25 and column 7, lines 61-65) coupled to

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the caster structure (110) and having at least one mower blade,

wherein when the lift structure (19, 20) is moved generally downwardly with respect to the body (10), the caster (110) is constructed and arranged to engage the ground causing the front wheels (14) of the skid steer loader (10) to raise so as not to engage the ground, as per claim 8; and

wherein the mower deck (see column 3, lines 23-25 and column 7, lines 61-65) carries a hydraulic motor (80) associated with the secondary hydraulic system (27,28) and constructed and arranged to cause rotation of the mower blade (not shown), as per claim 14.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2-6 and 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laurel in view of Hermonson.

The device is disclosed as applied to claims 1 and 8 above. However, Laurel fails to disclose wherein the mower deck is coupled to the caster structure via at least one actuator so that the mower deck can be moved towards and away from the caster structure to thereby control a height of the mower blade with respect to the ground, as per claims 2, 5, 9 and 12; and

Wherein the actuator is a hydraulic cylinder, as per claims 3 and 6; and

Wherein the caster structure includes a pair of spaced frames, each frame having one end constructed and arranged to be removably coupled to the lift structure, another end of each frame including a caster, as per claims 4 and 11; and

Wherein the actuator is a hydraulic cylinder associated with the secondary hydraulic system, as per claims 10 and 13.

Hermonson discloses a similar device wherein the tool (12) is coupled to the caster structure (60) via at least one actuator (74) so that the tool (12) can be moved towards and away from the caster structure (60) to thereby control a height of the tool (12) with respect to the ground, as per claims 2, 5, 9 and 12; and

Wherein the actuator (74) is a hydraulic cylinder, as per claims 3 and 6;

Wherein the caster structure (60) includes a frame (50), the frame (50) having one end constructed and arranged to be removably coupled to the lift structure (34, 36), another end of the frame (50) including a caster (60), as per claims 4 and 11; and

Wherein the actuator is a hydraulic cylinder (74) associated with the secondary hydraulic system (see column 4, lines 26-31), as per claims 10 and 13.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the height control means of Hermonson on the device of Laurel in order to adjust the height of the tool.

Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a second frame since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

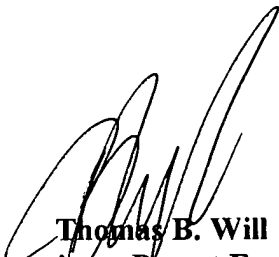
Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Eggena, Gillette et al., and Hammersmith have been cited as of interest.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Torres whose telephone number is 703-305-6953. The examiner can normally be reached Monday through Thursday from 7:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 703-308-3870.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-1113. The fax number for this Group is 703-872-9306.


Thomas B. Will
Supervisory Patent Examiner
Group Art Unit 3671

AMT
September 16, 2004